

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GLEND A JOHNSON ET AL.,

Plaintiffs,

V.

SMITHKLINE BEECHAM CORPORATION
ET AL.,

Defendants.

Case No. 2:11-cv-05782-PD
and all related cases

REPORT AND RECOMMENDATION OF THE SPECIAL DISCOVERY MASTER

In Diana Cabcabin’s Notice of Joinder in Terrie Bolton’s Request for Additional Information Regarding May 7-13, 2019 Hearing and Motion to Review Documents, and Motion to Seal Her Testimony and Related Documents (Doc. 669) (April 16, 2019), Ms. Cabcabin moves for permission to review the following documents:

1. Hagens Berman Sobel Shapiro LLP's Motion to Reopen and Correct the Record with Respect to Hagens Berman's Motion to Withdraw as Counsel for Plaintiff Terrie Bolton (Doc. 583, filed under seal) (December 7, 2017);
2. Joint Submission Following Teleconference with the Special Master (submitted to the Special Discovery Master by Hagens Berman, Terrie Bolton, and Tyler Weaver on December 20, 2017); and
3. Transcript of the December 12, 2017 teleconference with the Special Discovery Master regarding Hagens Berman's request to reopen and correct the record.

Ms. Cabcabin represents in her motion that her counsel has conferred with other counsel to the participants in Items (1) and (2) listed above, and that neither Hagens Berman nor Ms. Bolton

objects to Ms. Cabcabin accessing these documents. (Doc 669 at 2.) (She does not mention Mr. Weaver or his counsel.)

With regard to Items (2) and (3), the undocketed Joint Submission and the transcript of the conference call, I consider Ms. Cabcabin to be on the same footing as Ms. Bolton, *i.e.*, she is a past client of Hagens Berman and Tyler Weaver who is entitled to know about the interactions between Hagens Berman's lawyers and expert consultants regarding her case. I will simply send copies of the Joint Submission and transcript to Ms. Cabcabin's counsel.

Item (1) requires more detailed discussion. On my recommendation (Doc. 588), Judge Diamond preserved the under-seal status of Hagens Berman's Motion to Reopen the Record with respect to its then-pending motion to withdraw from representing Terrie Bolton. I made the recommendation because that motion contained the attorneys' statements regarding aspects of Ms. Bolton's case – aspects distinct from Dr. Stephens' observations concerning his examination and her condition – that could be privileged and protected from disclosure to Defendants *or* to Ms. Bolton's fellow plaintiffs. Now, I respectfully recommend that the Court grant me leave to provide Ms. Cabcabin a copy of the under-seal Hagens Berman Motion, redacted to protect that limited amount of content that remains privileged to Ms. Bolton.

I will supply Items (2) and (3) without awaiting the Court's consideration of my recommendation concerning Item (1). I do not address in this Report and Recommendation the remaining requests in Ms. Cabcabin's April 16, 2019 motion.

April 25, 2019

/s/ William T. Hangle

WILLIAM T. HANGLEY
SPECIAL DISCOVERY MASTER